

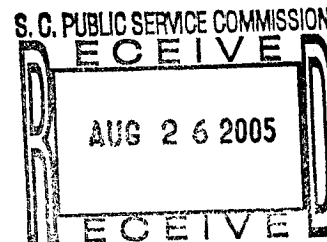


**Kodwo Ghartey-Tagoe**  
Chief Regulatory Counsel  
Duke Power

**Duke Energy Corporation**

422 South Church Street  
P.O. Box 1244  
Charlotte, NC 28201-1244  
phone 704.382.4295  
fax 704.382.5690  
kghartey-tagoe@duke-energy.com

August 23, 2005



The Honorable Charles L.A. Terreni  
Administrator and Chief Clerk  
Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, South Carolina 29210

RE: Docket No. 2005-210-E

Dear Mr. Terreni:

Enclosed for filing with the Commission are the Affidavits of Publication for the Notice of Hearing in the above-referenced docket that Duke Power ("Duke"), a division of Duke Energy Corporation, published in newspapers having general coverage in Duke's service territory.

If you have any questions regarding this matter, please call me at 704.382.9960.

Sincerely,

Kodwo Ghartey-Tagoe  
William F. Austin, (Austin, Lewis & Rogers)

pa

Enclosures

North Carolina ) ss  
Mecklenburg County)

The Knight Publishing Co., Inc.  
Charlotte, NC  
Affidavit of Publication

THE CHARLOTTE OBSERVER

DUKE POWER LEGAL DEPARTMENT  
PAM ALLEN-PBO5  
P O BOX 1244  
CHARLOTTE NC 28201-1244

REFERENCE: 20016631

5497584 docket #2005-210-3

Before the undersigned, a Notary Public of said County and State, duly authorized to administer oaths affirmations, etc., personally appeared, being duly sworn or affirmed according to law, doth depose and say that he/she is a representative of the Knight Publishing Company a corporation organized and doing business under the laws of the State of Delaware, and publishing a newspaper known as The Charlotte Observer in the city of Charlotte, County of Mecklenburg and State of North Carolina and that as such he/she is familiar with the books, records, files and business of said Corporation and by reference to the files of said publication the attached advertisement was inserted. The following is correctly copied from the books and files of the aforesaid Corporation and Publication.

PUBLISHED ON: 08/05

AD SPACE: 222 LINE  
FILED ON: 08/09/05

NAME: Marilyn Sharp TITLE: Accounting Clerk  
DATE: 8-12-05

In Testimony Whereof I have hereunto set my hand and affixed my seal, the day and year aforesaid.

Notary Seamus M. Dwyer My Commission Expires: 1/1/06 My Commission Expires May 27, 2006

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
DOCKETING DEPARTMENT  
NOTICE OF FILING AND HEARING  
DOCKET NO. 2005-210-E

Application of Duke Energy Corporation for Authorization to Enter into a Business Combination Transaction with Cinergy Corporation.

Duke Energy Corporation ("Duke Energy"), pursuant to S.C. Code Ann. §58-27-1300 (Supp. 2004), and other applicable regulations of the Public Service Commission of South Carolina (the "Commission"), has filed an Application for authorization to enter into a business combination with Cinergy Corporation ("Cinergy"). S.C. Code Ann. §58-27-300 requires Commission approval prior to the consolidation or merger of a utility's property, powers, franchises, or privileges.

Duke Energy is a corporation duly organized and existing under the laws of the State of North Carolina. Additionally, Duke Energy is authorized to transact business in the State of South Carolina and is a public utility under the laws of this State. Its operations in South Carolina are subject to the jurisdiction of the Commission.

Cinergy is a Delaware corporation headquartered in Cincinnati, Ohio. Its principal, direct and indirect subsidiaries are (i) PSI Energy, Incorporated ("PSI"), a vertically integrated electric utility serving a significant portion of the retail electric requirements in the State of Indiana; (ii) The Cincinnati Gas and Electric Company ("CG&E"), a utility engaged in the production, transmission, distribution, and sale of electricity and the sale and transportation of natural gas in the Southwestern portion of Ohio; and (iii) The Union Light, Heat and Power Company ("ULH&P"), a wholly-owned subsidiary of CG&E and a vertically integrated utility serving a portion of the retail electric and gas requirements in Northern Kentucky. Further, Cinergy is a registered holding company under the Public Utility Holding Company Act of 1935 ("PUHCA"). It had approximately \$15 billion in assets, \$4.7 billion in revenues and net income of \$400 million as of December 31, 2004 and ranked number 412 on Fortune magazine's 2005 ranking of the 500 largest publicly traded U.S. companies.

Duke Energy and Cinergy have entered into an Agreement and Plan of Merger by and among Duke Energy, Cinergy, Duke Energy Holding Corporation, a Delaware corporation, Deer Acquisition Corporation, a North Carolina corporation, and Cougar Acquisition Corporation, a Delaware corporation, dated as of May 8, 2005 ("Plan of Merger"). A copy of the Plan of Merger can be viewed on the Commission website at [www.psc.sc.gov](http://www.psc.sc.gov). The Plan of Merger sets forth a series of mergers and restructuring transactions that will implement the business combination of Duke Energy and Cinergy.

The Application reveals that Duke Energy entered into the Plan of Merger to build a stronger company. According to the Application, the Plan of Merger will not adversely affect retail electric rates for Duke Energy's South Carolina customers. Duke Energy hereby provides notice that following consummation of the Plan of Merger, it will become a subsidiary of a registered holding company under PUHCA.

A copy of the Company's Application can be obtained from the Commission at the following address: Public Service Commission of South Carolina, Docketing Department, Post Office Drawer 11649, Columbia, South Carolina 29211 and the Commission's website at [www.psc.sc.gov](http://www.psc.sc.gov) and is available from William F. Austin, Esquire, Austin Lewis and Rogers, P.A., 508 Hampton Street, Columbia, South Carolina 29201.

In order for testimony and evidence to be received from all interested parties, a public hearing will be held in the Commission's Hearing Room, Synergy Business Park, Saluda Building, 101 Executive Center Drive, Columbia, South Carolina on Monday, October 10, 2005 at 11:00 a.m.

Any person who wishes to testify and present evidence at the hearing concerning these matters should notify, in writing, the Docketing Department at the address below, the Office of Regulatory Staff, Post Office Box 11263, Columbia, South Carolina 29211 and William F. Austin, Esquire, Austin Lewis and Rogers, P.A., 508 Hampton Street, Columbia, South Carolina 29201 on or before August 26, 2005. Please refer to Docket No. 2005-210-E.

Any person who wishes to participate in this matter, as a party of record with the right of cross-examination, should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure on or before August 26, 2005 and indicate the amount of time required for his presentation. Please include an email address for receipt of further Commission correspondence in the Petition to Intervene. Please refer to Docket No. 2005-210-E.

Any person who wishes to be notified of the hearing, but does not wish to present testimony or be a party of record, may do so by notifying the Docketing Department, in writing, at the address below on or before August 26, 2005. Please refer to Docket No. 2005-210-E.

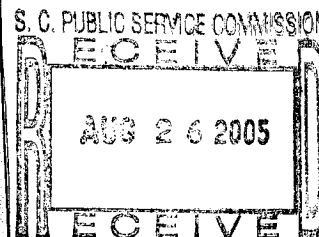
Any person who wishes to request a hearing in his or her county of residence should notify before September 26, 2005, in writing, the Docketing Department at the address below, the Office of Regulatory Staff, Post Office Box 11263, Columbia, South Carolina 29211 and William F. Austin, Esquire, Austin Lewis and Rogers, P.A., 508 Hampton Street, Columbia, South Carolina 29201. Please refer to Docket No. 2005-210-E.

PLEASE TAKE NOTICE: Any person who wishes to have his or her comments considered as part of the official record of this proceeding MUST present such comments, in person, to the Commission during the hearing.

Persons seeking information about the Commission's Procedures should contact the Commission in Columbia at 803-896-5100.

Public Service Commission of South Carolina  
Attn: Docketing Department  
Post Office Drawer 11649  
Columbia, South Carolina 29211

26 July 2005  
LP5497584




State of South Carolina  
County of Anderson

{Affidavit

Personally appeared before me, Karen Rommelmeyer, who being duly sworn, says that she is the Retail Sales Manager of the *Anderson Independent-Mail* daily newspaper, published at Anderson, South Carolina and that a legal advertisement for Public Service Commission of SC Docket NO:2005-210-E appeared in the above newspaper in the issues of August 5th, 2005.

Copy of said advertisement is attached hereto.

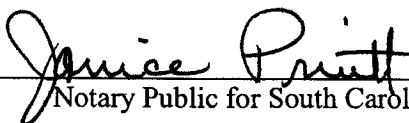
Signed: 

Sworn to and subscribed before me

this 10th day of

August, 2005.

Seal

  
Notary Public for South Carolina

**My Commission Expires August 8, 2006**

My Commission Expires

**LEGAL NOTICES**  
**1001**

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA DOCKETING DEPARTMENT NOTICE OF FILING AND HEARING**  
DOCKET NO. 2005-210-E  
Application of Duke Energy Corporation for Authorization to Enter into a Business Combination Transaction with Cinergy Corporation.  
Duke Energy Corporation (Duke Energy<sup>®</sup>), pursuant to S.C. Code Ann. 58-27-1300 (Supp. 2004), and other applicable regulations of the Public Service Commission of South Carolina (the "Commission"), has filed an Application for authorization to enter into a business combination with Cinergy Corporation ("Cinergy"). S.C. Code Ann. 58-27-1300 requires Commission approval prior to the consolidation or merger of a utility's property, powers, franchises, or privileges.  
Duke Energy is a corporation duly organized and existing under the laws of the State of South Carolina and is a public utility under the laws of this State. Its operations in South Carolina are subject to the jurisdiction of the Commission. Cinergy is a Delaware corporation headquartered in Cincinnati, Ohio. Its principal direct and indirect subsidiaries are (i) PSI Energy, Incorporated ("PSI"), a vertically integrated electric utility serving a significant portion of the retail electric requirements in the State of Indiana; (ii) The Cincinnati Gas and Electric Company ("CG&E"), a utility engaged in the production, transmission, distribution, and sale of electricity and the sale and transportation of natural gas in the southwestern portion of Ohio; and (iii) The Union Light, Heat and Power Company ("ULH&P"), a wholly-owned subsidiary of CG&E and a vertically integrated utility serving a portion of the retail electric and gas requirements in Northern Kentucky. Further, Cinergy is a registered holding company under the Public Utility Holding Company Act of 1935, as amended, and ranked number 412 or Fortune magazine's 2005 ranking of the 500 largest publicly traded U.S. companies.  
Duke Energy and Cinergy have entered into an Agreement and Plan of Merger by and among Duke Energy, Cinergy, Duke Energy Holding Corporation, a Delaware corporation, Deer Acquisition Corporation, a North Carolina corporation, and Cougar Acquisition Corporation, a Delaware corporation, dated as of May 8, 2005 (the "Plan of Merger"). A copy of the Plan of Merger can be viewed on the Commission website at [www.psc.sc.gov](http://www.psc.sc.gov). The Plan of Merger sets forth a series of mergers and restructuring transactions that will implement the business combination of Duke Energy and Cinergy.

The Application reveals that Duke Energy entered into the Plan of Merger to build a stronger company. According to the Application, the Plan of Merger will not adversely affect retail electric rates for Duke Energy's South Carolina customers. Duke Energy hereby provides notice that following consummation of the Plan of Merger, it will become a subsidiary of a registered holding company under PUHCA.

A copy of the Company's Application can be obtained from the Commission at the following address: Public Service Commission of South Carolina, Docketing Department, Post Office Drawer 11649, Columbia, South Carolina 29211 and the Commission's website at [www.psc.sc.gov](http://www.psc.sc.gov), and is available from William F. Austin, Esquire, Austin Lewis and Rogers, P.A., 508 Hampton Street, Columbia, South Carolina 29201. In order for testimony and evidence to be received from all interested parties, a public hearing will be held in the Commission's Hearing Room, Synergy Business Park, Saluda Building, 101 Executive Center Drive, Columbia, South Carolina on **Monday, October 10, 2005 at 11:00 a.m.**

Any person who wishes to testify and present evidence at the hearing concerning these matters should notify, in writing, the Docketing Department at the address below, the Office of Regulatory Staff, Post Office Box 11263, Columbia, South Carolina 29201 on or before **August 26, 2005**. Please refer to Docket No. 2005-210-E. Any person who wishes to participate in this matter, as a party of record with the right of cross-examination, should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure on or before **August 26, 2005** and indicate the amount of time required for his presentation. Please include an email address for receipt of further Commission correspondence in the Petition to Intervene. Please refer to Docket No. 2005-210-E.

Any person who wishes to request a hearing in his or her county of residence should notify before **September 26, 2005**, in writing, the Docketing Department at the address below, the Office of Regulatory Staff, Post Office Box 11263, Columbia, South Carolina 29211 and William F. Austin, Esquire, Austin Lewis and Rogers, P.A., 508 Hampton Street, Columbia, South Carolina 29201. Please refer to Docket No. 2005-210-E.

**PLEASE TAKE NOTICE:** Any person who wishes to have his or her comments considered as part of the official record of this proceeding **MUST** present such comments, in person, to the Commission during the hearing.

Persons seeking information about the Commission's Procedures should contact the Commission in Columbia at 803-896-5100. Public Service Commission of South Carolina  
Attn: Docketing Department  
Post Office Drawer 11649  
Columbia, South Carolina 29211

# The Greenville News

## AFFIDAVIT OF PUBLICATION

I, Susan F. Mullinax, being the legal advertising agent for *The Greenville News*, do hereby testify that the attached legal advertisement was published on 213 lines in *The Greenville News* on 8/5 2005.

*Susan Mullinax*

Susan F. Mullinax

Legal Advertising Representative

*Jeanne M. Gullic*

Jeanne M. Gullic

Notary Public for State of South Carolina

My Commission Expires April 4, 2013

3489983  
PUBLIC SERVICE  
COMMISSION OF  
SOUTH CAROLINA  
DOCKETING DEPARTMENT  
NOTICE OF FILING  
AND HEARING  
DOCKET NO. 2005-210-E  
Application for Authorization to Enter into a Business Combination Transaction with Duke Energy Corporation  
Duke Energy Corporation  
Duke Energy Corporation  
S.C. Code Ann. § 27-1300 (Supp. 2004), and other applicable regulations of the Public Service Commission of South Carolina (the "Commission"), has filed a Petition for Authorization to enter into a business combination with Duke Energy Corporation ("Duke Energy"). S.C. Code Ann. § 27-1300 requires Commission approval prior to the consolidation or merger of a utility's property, powers, franchises, or privileges.  
Duke Energy is a corporation duly organized and existing under the laws of the State of North Carolina. Additionally, the Duke Energy entered into the transaction business in the State of South Carolina and as a public utility under the laws of this State. Its operations in South Carolina are subject to the jurisdiction of the Commission.  
Duke Energy is a Delaware corporation headquartered in Cincinnati, Ohio. Its principal direct and indirect subsidiaries are (i) PSI Energy, an incorporated utility serving a significant portion of the retail electric requirements in the State of Indiana; (ii) the Cincinnati Gas and Electric Company ("C&E"), a utility engaged in the production, transmission, distribution and sale of electricity, and the sale and transportation of natural gas in the southwestern portion of Ohio; and (iii) the Union Light, Heat and Power Company ("ULH&P"), a wholly owned subsidiary of C&E and a vertically integrated utility serving a portion of the retail electric and gas requirements in Northern Kentucky. Further, Cinergy is a registered holding company under the Public Utility Holding Company Act of 1935 ("PUHCA"). In 2004, Cinergy had approximately \$1.2 billion in assets, \$4.7 billion in revenues and net income of \$400 million as of December 31, 2004 and ranked number 412 on Fortune magazine's 2005 ranking of the 500 largest publicly traded companies.  
Duke Energy and Cinergy have entered into an Agreement and Plan of Merger by and among Duke Energy, Cinergy, Duke Energy Holding Corporation, a Delaware corporation, and North Carolina Acquisition Corporation, a Delaware corporation, dated as of May 3, 2005 ("Plan of Merger"). A copy of the Plan of Merger can be viewed on the Commission's website at www.psc.sc.gov. The Plan of Merger sets forth a series of mergers and restructurings, including transactions that will implement the business combination of Duke Energy and Cinergy.  
The Application reveals that Duke Energy entered into the Plan of Merger to build a strong utility under the laws of the State of South Carolina and as a public utility under the laws of this State. The Plan of Merger will not adversely affect Cinergy's South Carolina customers.  
Duke Energy provides notice that following consummation of the Plan of Merger, it will become a subsidiary of a registered holding company under PUHCA.  
A copy of the company's Application can be obtained from the Commission at the following address: Public Service Commission of South Carolina, Docketing Department, Post Office Drawer 11649, Columbia, South Carolina 29211 and the Commission's website at www.psc.sc.gov, and is available from William F. Austin, Esquire, Austin, Lewis and Rogers, P.A., 508 Hampton Street, Columbia, South Carolina 29201.  
In order for testimony and evidence to be received from all interested parties, a public hearing will be held in the Commission's Hearing Room, Synergy Business Park 101 Executive Center, Dr., Columbia, South Carolina on Monday, October 10, 2005 at 11:00 a.m. Any person who wishes to testify and present evidence at the hearing should notify, in writing, the Docketing Department of the address below, the Office of Regulatory Staff, Post Office Box 11263, Columbia, South Carolina 29211, and William F. Austin, Esquire, Austin, Lewis and Rogers, P.A., 508 Hampton Street, Columbia, South Carolina 29201 on or before August 26, 2005. Please refer to Docket No. 2005-210-E.  
Any person who wishes to participate in this matter as a party of record with right of cross-examination should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure, on or before August 26, 2005, and indicate the amount of time required for this presentation. Please include an e-mail address for receipt of further Commission correspondence in the Petition to Intervene. Please refer to Docket No. 2005-210-E.  
Any person who wishes to be notified of the hearing, but does not wish to present testimony or be a party of record, may do so by notifying the Docketing Department, in writing, at the address below, on or before August 26, 2005. Please refer to Docket No. 2005-210-E.  
Any person who wishes to request a hearing in his or her county of residence should notify the Docketing Department in writing, the Docketing Department of the address below, the Office of Regulatory Staff, Post Office Box 11263, Columbia, South Carolina 29211 and William F. Austin, Esquire, Austin, Lewis and Rogers, P.A., 508 Hampton Street, Columbia, South Carolina 29201. Please refer to Docket No. 2005-210-E.  
PLEASE TAKE NOTICE: Any person who wishes to have his or her comments considered as part of the official record of this proceeding MUST present such comments at the hearing. The Commission during the hearing is seeking information about the Commission's Procedures should contact the Commission in Columbia at 803-896-5115.  
Public Service

305 South Main Street • Greenville, South Carolina 29601  
PO Box 1688 • Greenville, South Carolina 29602  
864.298.4229 1.800.800.5116 smullina@greenvillenews.com

SPARTANBURG  
**Herald-Journal**

PO Box 1657, Spartanburg, SC 29304

**STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG**

Personally appeared before me, a notary public in and for the State and County aforesaid, Kristen Mooneyham, who having been dully sworn according to law, deposes and says that she is the Legal Advertising Representative of the Spartanburg Herald-Journal, a newspaper published at Spartanburg Herald-Journal for 1 time(s) in the following issues: 8/5

Kristen Mooneyham  
Kristen Mooneyham

Sworn to and subscribed before me

This 15 day of August, 2005

Dawn Weygant  
Notary Public for South Carolina  
My Commission Expires January 5, 2014

**1 LEGALS**

**PUBLIC SERVICE  
COMMISSION OF SOUTH  
CAROLINA DOCKETING  
DEPARTMENT**

**NOTICE OF FILING AND  
HEARING**

**DOCKET NO. 2005-210-E**

Application of Duke Energy Corporation for Authorization to Enter Into a Business Combination Transaction with Cinergy Corporation

Duke Energy Corporation ("Duke Energy"), pursuant to S.C. Code Ann. § 58-27-1300 (Supp. 2004), and other applicable regulations of the Public Service Commission of South Carolina (the "Commission"), has filed an Application for authorization to enter into a business combination with Cinergy Corporation ("Cinergy"). S.C. Code Ann. § 58-27-1300 requires Commission approval prior to the consolidation or merger of a utility's property, powers, franchise or privileges.

Duke Energy is a corporation duly organized to transact business in the State of South Carolina and is a public utility under the laws of this State. Its operations in South Carolina are subject to the jurisdiction of the Commission.

Cinergy is a Delaware corporation headquartered in Cincinnati, Ohio. Its principal direct and indirect subsidiaries are (i) PSI Energy, Incorporated ("PSI"), a vertically integrated electric utility serving a significant portion of the retail electric requirements in the State of Indiana; (ii) The Cincinnati Gas and Electric Company ("CG&E"), a utility engaged in the production, transmission, distribution, and sale of electricity and the sale and transportation of natural gas in the southwestern portion of Ohio; and (iii) The Union Light, Heat and Power Company ("ULH&P"), a wholly-owned subsidiary of CG&E and a vertically integrated utility serving a portion of the retail electric and gas requirements in Northern Kentucky. Further, Cinergy is a registered holding company under the Public Utility Holding Company Act of 1935 ("PUHCA"). It had approximately \$15 billion in assets, \$4.7 billion in revenues and net income of \$400 million as of December 31, 2004 and ranked number 412 on Fortune magazine's 2005 ranking of the 500 largest publicly traded U.S. companies.

Duke Energy and Cinergy have entered into an Agreement and Plan of Merger by and among Duke Energy, Cinergy, Duke Energy Holding Corporation, a Delaware corporation, Deer Acquisition Corporation, a North Carolina corporation and Cougar Acquisition, a Delaware corporation, dated as of May 8, 2005 ("Plan of Merger"). A copy of the Plan of Merger can be viewed on the Commission website at [www.psc.sc.gov](http://www.psc.sc.gov). The plan of Merger sets forth a series of mergers and restructuring transactions that will implement the business combination of Duke Energy and Cinergy.

The Application reveals that Duke Energy entered into the Plan of Merger to build a stronger company. According to the Application, the Plan of Merger will not adversely affect retail electric rates for Duke Energy's South Carolina customers. Duke Energy hereby provides notice that following consummation of the Plan of Merger, it will become a subsidiary of a registered holding company under PUHCA.

A copy of the Company's Application can be obtained from the Commission at the following address: Public Service Commission of South Carolina, Docketing Department, Post Office Drawer 11649, Columbia, South Carolina 29211 and the Commission's website at [www.psc.sc.gov](http://www.psc.sc.gov) and is available from William F. Austin, Esquire, Austin Lewis and Rogers, P.A., 508 Hampton Street, Columbia, South Carolina 29201.

In order for testimony and evidence to be received from all interested parties, a public hearing will be held in the Commission's Hearing Room, Synergy Business Park, Sallada Building, 101 Executive Center Drive, Columbia, South Carolina on Monday, October 10, 2005 at 11:00 a.m.

Any person who wishes to testify and present evidence at the hearing concerning these matters should notify, in writing, the Docketing Department at the address below, the Office of Regulatory Staff, Post Office Box 11263, Columbia, South Carolina 29211 and William F. Austin, Esquire, Austin Lewis and Rogers, P.A., 508 Hampton Street, Columbia, South Carolina 29201 on or before August 24, 2005. Please refer to Docket No. 2005-210-E.

Any person who wishes to participate in this matter, as a party of record with the right of cross-examination, should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure on or before August 26, 2005 and indicate the amount of time required for his presentation. Please include an email address for receipt of further Commission correspondence in the Petition to Intervene. Please refer to Docket No. 2005-210-E.

Any person who wishes to be notified of the hearing, but does not wish to present testimony or be a party of record, may do so by notifying the Docketing Department in writing at the address below on or before August 24, 2005. Please refer to Docket No. 2005-210-E.

Any person who wishes to request a hearing in his or her county of residence should notify before September 26, 2005, in writing, the Docketing Department at the address below, the Office of Regulatory Staff, Post Office Box 11263, Columbia, South Carolina 29211 and William F. Austin, Esquire, Austin Lewis and Rogers, P.A., 508 Hampton Street, Columbia, South Carolina 29201. Please refer to Docket No. 2005-210-E.

**PLEASE TAKE NOTICE:** Any person who wishes to have his or her comments considered as part of the official record of this proceeding **MUST** present such comments, in person, to the Commission during the hearing.

Persons seeking information about the Commission's Procedures should contact the Commission in Columbia at 803-896-5100.

Persons seeking information about the Commission's Procedures should contact the Commission in Columbia at 803-896-5100.

Public Commission of  
South Carolina  
Attn: Docketing Department  
Post Office Drawer 11649  
Columbia, South Carolina  
29211